

REMARKS

Claim 33 has been rejected. Claim 33 has now been amended. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

Rejection of Claim 33 Under 35 U.S.C. § 102(e):

Claim 33 has been rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Irving et al. (US 6,242,166). The Examiner points to the compound in column 41 labeled D-28. The Examiner states that this compound reads on the instant claim that has the following definitions:

R₆=alkyl, R₇, R₈, R₉ = hydrogen, Z=NR₂R₃ where R₂ and R₃ = alkyl; t=0, R12 = hydrogen and W equals a divalent substituent comprising SO₂.

This rejection is respectfully traversed in view of the above amendment. The amendment to Claim 33 now clarifies that the presently claimed compound is capable of releasing only a single developing agent, that is, the compound comprises only a single blocked developed agent. The compound cited in Irving comprises two blocked developing agents. Among the 37 compounds illustrated in Irving, there is no example of a single blocked developer compound in Irving that meets the present claims.

Rejection of Claim 33 Under 35 U.S.C. § 103(a):

Claim 33 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Irving et al. (US 6,242,166). The Examiner states that Irving et al. substantially discloses the claimed invention. The Examiner notes that Irving in column 27, lines 40-67 and column 28 lines 1-25 discloses a genus which is broader than the instant claimed genus, but which has substantial overlapping subject matter. The Examiner notes that the genus of Irving et al. is almost identical to the instant claimed genus when the variable is defined as -SO₂-, and some of the examples in Irving specifically used this variable, for example, the compound indicated in the § 102 rejection given above. The Examiner states that it would have been obvious to one having ordinary skill in the art at the time that applicant's invention was made to have made the compounds as instantly claimed since the instant claimed invention is subgeneric to the genus disclosed in Irving et al.

This rejection is respectfully traversed. The genus of Irving would be most relevant if Y were C and W met the limitations of the present invention. However, such a selection is not taught by Irving, which does not teach that C should be tetrahedral and W should be limited to those recited in the present claims. The results in Table 2, 4 and 5 of the instant specification show that by such a selection superior results can be obtained, compared to the prior art compounds disclosed by Irving.

It is believed that the foregoing is a complete response to the Office Action and that the claims are in condition for allowance. Favorable reconsideration and early passage to issue is therefore earnestly solicited.

Attached hereto is a marked up version of the changes made to the claims by the current amendment. The attached page(s) is captioned "Version With Markings To Show Changes Made."

Respectfully submitted,



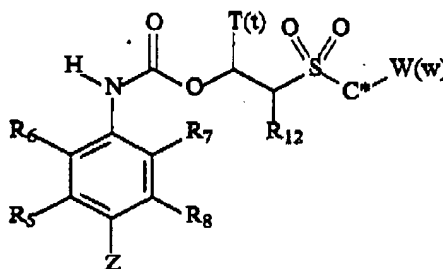
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Version With Markings To Show Changes MadeIn the Claims:

Please amend Claim 33 as set forth below:

33. (Once Amended) A compound useful in an imaging element represented by the following structure:



wherein:

w is 1 or 2;

t is 0, 1 or 2;

Z is OH or NR₂R₃, where R₂ and R₃ are independently hydrogen or a substituted or unsubstituted alkyl group or R₂ and R₃ are connected to form a ring;

R₅, R₆, R₇, and R₈ are independently hydrogen, halogen, hydroxy, amino, alkoxy, carbonamido, sulfonamido, alkylsulfonamido or alkyl, or R₅ can connect with R₆ or R₇ and/or R₈ can connect to R₂ or R₇ to form a ring;

T is a substituted or unsubstituted alkyl group, cycloalkyl group, aryl, or heterocyclic group, an inorganic monovalent electron withdrawing group, or an inorganic divalent electron withdrawing group capped with at least one organic group; or T is joined with W, C* or R₁₂ to form a ring; when T is an aryl group, it can also combine with W, C* or R₁₂ to form a ring;

R₁₂ is hydrogen, or a substituted or unsubstituted alkyl, cycloalkyl, aryl or heterocyclic group;

C* is a tetrahedral carbon; and

W is a monovalent electron withdrawing group, a divalent electron withdrawing group, an aryl group substituted with one to seven electron withdrawing groups, or a substituted or unsubstituted heteroaromatic group; when W is a divalent electron withdrawing group, an aryl group, or a heteroaromatic group, it can combine with C*, R₁₂, or T to form a ring; when w is 2, the two W groups can form a ring; and C* may be attached to one or two hydrogen atoms or to one hydrogen atom and one substituted or unsubstituted alkyl group that is not an electron withdrawing group or an aryl group that is not substituted with an electron-withdrawing group;

wherein the compound comprises only a single blocked developing agent --.